

30622. Adulteration and misbranding of Neu-Life. U. S. v. William Fulford Brown (Health Laboratories). Plea of guilty. Fine, \$180. (F. & D. No. 42537. Sample No. 50356-C.)

The labeling of this product bore false and fraudulent curative and therapeutic claims and false and misleading representations regarding its content of minerals and vitamins.

On October 3, 1938, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against William Fulford Brown, trading as Health Laboratories, Sacramento, Calif., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about October 11, 1937, from the State of California into the State of Illinois of a quantity of Neu-Life that was adulterated and misbranded.

Analysis of a sample of the article showed that it consisted essentially of plant material containing calcium (1.0 percent), magnesium (0.7 percent), iron (0.02 percent), iodine (0.37 percent), sulfur (0.6 percent), phosphorus (0.3 percent), potassium (7.5 percent), and sodium (3.1 percent).

Adulteration was alleged in that the strength and purity of the article fell below the professed standard and quality under which it was sold, i. e., as containing vitamin D, since it did not contain vitamin D.

The article was alleged to be misbranded in that the statements on the label, "Contains No Drugs An Organic Vegetable Mineral Product Containing Iron, Calcium, Sodium, Potassium, Phosphorus, Magnesium, Sulphur, Iron in Organic Combination and Other Valuable Minerals and Vitamins A, B, C, and D and E," were false and misleading since they represented that it contained substances and ingredients in which the aforesaid mineral elements and vitamins were present in combination in sufficient quantities and proportions to produce a medicinal effect upon the physiological functions of the human body, and that the article contained no drugs; whereas it did not contain any demonstrable amount of vitamin D, it did not contain the substances or ingredients in the quantities and proportions indicated, and it did contain compounds of iodine, a drug.

The article was also alleged to be misbranded in that certain statements, designs, and devices regarding its therapeutic and curative effects, appearing in a circular accompanying the article, falsely and fraudulently represented that it was effective to imbue the user with new life, to build up a new health and happiness, and to overcome glandular weakness and nerve prostration.

On March 13, 1939, a plea of guilty having been entered, the court imposed a fine of \$180.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30623. Adulteration and misbranding of Digitos Tablets and tincture of digitalis. U. S. v. Three Bottles of Digitos Tablets (and three similar seizure actions). Default decrees of condemnation and destruction. (F. & D. Nos. 45061, 45073, 45074, 45255. Sample Nos. 41992-D, 42276-D to 42280-D, inclusive, 42298-D, 42300-D.)

Each of these products had a potency materially lower than that of the professed standard and quality under which it was sold.

On March 20 and 23 and May 1, 1939, the United States attorney for the District of New Jersey, acting upon reports by the Secretary of Agriculture, filed in the district court four libels praying seizure and condemnation of 3 bottles of Digitos Tablets at Atlantic City, N. J., and 4 bottles of Digitos Tablets and 25 bottles of tincture of digitalis at Trenton, N. J.; alleging that the articles had been shipped in interstate commerce within the period from on or about June 24, 1938, to on or about March 17, 1939, from Philadelphia, Pa., by Sharp & Dohme, Inc.; and charging adulteration and misbranding in violation of the Food and Drugs Act.

The Digitos Tablets were alleged to be adulterated in that their strength fell below the professed standard and quality under which they were sold, namely, (bottle) "(Tablets Digitalis Leaves * * *) 1½ grains," (carton) "Each tablet represents the activity of 15 minims (1 cc.) tincture of digitalis U. S. P.," and (circular) "Each tablet Digitos represents the activity of 15 minims (1 cc.) tincture digitalis U. S. P. XI," in that said statements represented that the article had a potency of 1½ grains of digitalis leaves per tablet and 15 minims (1 cc.) of tincture of digitalis per tablet; whereas one shipment of the article had a potency of not more than 0.9 grain of digitalis leaves per tablet (equivalent to not more than 9.0 minims (0.6 cc.) of tincture of

digitalis per tablet), and another shipment had a potency of not more than 1.1 grains of digitalis leaves per tablet (equivalent to not more than 11.0 minims (0.7 cc.) of tincture of digitalis per tablet). Misbranding of the Digitos Tablets was alleged in that the aforesaid statements were false and misleading.

The tincture of digitalis was alleged to be adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, but differed from the standard of strength, quality, and purity as determined by the test laid down therein and its own standard of strength, quality, and purity was not stated on the label. Misbranding was alleged in that the label statement "Tincture Digitalis U. S. P. XI" with respect to both lots, and the further statement "Biologically Standardized" with respect to one lot, were false and misleading when applied to an article that was materially subpotent.

On April 25 and June 2, 1939, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30624. Adulteration and misbranding of gauze pads. U. S. v. 60 Packages of Dispensary Gauze Pads. Default decree of condemnation and destruction. (F. & D. No. 45258. Sample No. 47281-D.)

This product was represented to be sterile but was contaminated with viable micro-organisms.

On May 2, 1939, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 60 packages of dispensary gauze pads at Washington, D. C.; alleging that the article was being offered for sale in the District of Columbia, in possession of the Kloman Instrument Co.; and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that its purity fell below the professed standard under which it was sold, i.e., (carton) "Sterilized," since it was not sterile but was contaminated with viable micro-organisms.

Misbranding was alleged in that the statements on the label, "Dispensary Gauze Pads," "Sterilized After Packaging at 250° Fahr.," and "Prepared For The Medical Profession," were false and misleading, since the product was not sterile and was not suitable for dispensary use or for use by the medical profession.

On May 26, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30625. Misbranding of Zilatone. U. S. v. 18 Packages and 48 Packages of Zilatone (and 3 other seizure actions against the same product). Default decrees of condemnation and destruction. (F. & D. Nos. 30484, 30537, 30541, 30548. Sample Nos. 34487-A, 34762-A, 38271-A to 38274-A, inclusive.)

The labeling of this product contained false and fraudulent representations regarding its curative and therapeutic effects.

On May 26 and 29 and June 1, 1933, the United States attorneys for the Eastern and Western Districts of Pennsylvania and the District of Massachusetts, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 66 packages of Zilatone at Pittsburgh, Pa., 334 packages of Zilatone at Philadelphia, Pa., and 249 packages of Zilatone at Boston, Mass.; alleging that the article had been shipped in interstate commerce within the period from April 27 to May 18, 1933, by the Drew Pharmacal Co. from Buffalo, N. Y.; and charging misbranding in violation of the Food and Drugs Act as amended.

Analyses showed that the article consisted of tablets containing phenolphthalein, bile salts, pepsin, pancreatin, and extracts of plant drugs including capsicum, nux vomica, and a laxative drug.

The article was alleged to be misbranded in that certain statements on the box labels and in a circular shipped with it, regarding its curative and therapeutic effects, falsely and fraudulently represented that it was effective to increase digestion, to stimulate the liver, and to produce an increased flow of bile; effective in the treatment of chronic constipation, certain forms of gall-bladder disorders, and as a medical treatment for gallstones; effective in the treatment of auto-intoxication when due to intestinal stasis, of diseases of the biliary system, cholecystitis, and catarrhal conditions of the stomach and duodenum; effective to keep the intestinal tract free from cumulative toxic